

PUBLIC SPACE PERMIT REFORM

Working with stakeholders, the District Department of Transportation (DDOT) has developed a proposal to reform public space permitting. The goal of the proposal is to ensure permit applications are: evaluated against established standards; made in a timely basis by knowledgeable decision makers; and have the benefit of stakeholder involvement.

BACKGROUND

Currently, the Public Space Committee (PSC) reviews permit applications for the occupancy of the public rights-of-way, including sidewalk cafes, retaining walls, over-height fences and security bollards. A number of problems have been identified with the present system. The PSC process is viewed as outdated and lacking an effective means of accounting for community interests. In addition, PSC review of public space applications duplicates the review performed by DDOT staff; for many “standard permits” this extra layer of review adds little value. Confusion often arises because currently there is no single point of contact for the PSC. It is also noted that the composition of the PSC includes no significant community presence and no individuals with professional design sensitivity. Finally, the lack of publicly available standards for processing and evaluating public space applications creates a system in which outcomes are not timely or predictable. To address these concerns, DDOT proposes to reform the composition and function of the PSC.

PROPOSED REFORMS

Public Space Permit Reform

To address concerns over the length of time it takes to review permits and the duplicative layers of review, DDOT proposes that Public Space Management Administration (PSMA) staff review the majority of public space applications, pursuant to standards promulgated by the PSC. With the majority of public space applications reviewed and approved at the staff level, for most applicants the review process would be much less time consuming. In many cases review could occur within days. The PSC would meet to:

- hear appeals of decisions made by staff pursuant to the standards it promulgated;
- decide complex permit applications when the expertise brought by Committee members would aid the deliberative process; and
- advise the Director of DDOT on public space management issues.

Reconstitution of the Public Space Committee

To address the lack of meaningful public participation, DDOT proposes the PSC be reconstituted to include public members appointed by the Mayor, through the Office of Boards and Commissions. Specifically:

- one (1) District resident who operates a licensed sidewalk café in the District;
- one (1) District resident who is an architect licensed in the District;
- one (1) District resident who has a background in urban design, urban planning, public art and/or historic preservation;
- one (1) Advisory Neighborhood Commissioner; and,
- one (1) District resident who might not necessarily fit into one of the other categories for public members.

By expanding the PSC to include public members, DDOT aims to address the noted lack of community representation and specialized experience. DDOT also aims to address the lack of appropriate agency representation by including as District Government members the:

- Associate Director, DDOT Public Space Management Administration, or designee;
- Associate Director, DDOT Transportation Policy and Planning Administration, or designee;
- Director, Office of Planning, or designee
- Deputy Mayor for Planning and Economic Development, or designee
- Director, Alcohol Beverage Regulation Administration, or designee; and
- Director, Department of Consumer and Regulatory Affairs, or designee.
- The Secretary of the District of Columbia would no longer serve on the PSC.

These compositional changes would allow for meaningful public participation and ensure appropriate agency input.

Establishing Design Standards and Creating Public Space Guidelines

An initial charge to the newly reconstituted PSC would be to establish rules and design standards to be applied by PSMA staff who review permit applications. This would include for example, minimum design standards for sidewalk cafés, fountains, decorative planters, and other items that occupy public space. Urban design consultants would be hired to help establish the standards without creating homogeneous designs. Additionally, the PSC could establish new public space guidelines to deal with issues the current regulations do not adequately address.

Appellate Review and Adjudicative Body

Rather than act as a duplicative layer of review, the PSC would serve as a policy maker and an appellate body. The PSC would review applications denied by staff. In this way the PSC would ensure the proper application of public space guidelines by DDOT staff. The PSC could also use appellate procedures as a way to evaluate the effectiveness and appropriateness of existing public space guidelines. The PSC could also act as an adjudicative body that would make a final determination in summary revocation and suspension hearings.

Public Space Committee Coordinator

To address the lack of a single point of contact for issues related to public space applications, DDOT has hired a Public Space Committee Coordinator (Coordinator). The Coordinator is the single point of contact for the PSC. The Coordinator is also streamlining the public space permit process by establishing web-based strategies and a means for the electronic submission of applications.

CONCLUSION

These reforms will increase community involvement, streamline the permitting process, provide a single point of contact, improve the quality of the public space permitting process and deliver on DDOT's promise to facilitate public involvement with the permitting process.